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<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/784,027	TEI ET AL.	
	Examiner	Art Unit	
	Kevin M. Bernatz	1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 12/28/2005.
2. ☒ The allowed claim(s) is/are 5-16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/912,449.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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|--|---|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
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***Examiner's Amendment***

1. ***An Examiner's amendment to the record was made in the office action mailed October 28, 2005. It is being repeated here for completeness.*** Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview between Examiner Steven Resan and Dianna Goldenson on September 29, 2005.

The application has been amended as follows:

- Claim 9 has been amended at line 2 to insert the following after "area" and before the ".":

"wherein said substrate is 95 mm in diameter"
- Claim 13 has been amended at line 3 to insert the following after "area" and before the ".":

"wherein said substrate is 95 mm in diameter"
- The specification has been amended at page 1 to insert the following immediately after the title:

"This application is a division of SN 09/912449 filed 25 July 2001  
PAT 6722057".

***Reasons for Allowance***

3. The present claims are deemed allowable over the references of record since the references of record fail to disclose or render obvious a substrate meeting the claimed N<sub>2</sub>, O<sub>2</sub> and H<sub>2</sub>O concentrations formed under a process meeting the claimed process limitations, wherein the specification provides sufficient evidence that the claimed process limitations result in an unobvious difference versus a prior art product made utilizing a process outside of the claimed process limitations.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Examiner's Comments***

5. In order to better clarify the record, the Examiner wishes to note that "rugged portions" has been adequately defined by applicants in their response filed August 1, 2005 (pages 6 – 7).

6. Furthermore, the Examiner wishes to point out that a careful consideration of the proposed interference was conducted, and upon further review, no interference is deemed necessary between the claimed invention and the invention disclosed and patented in application 10/362,732 (see U.S. Patent No. 6,991,863 B2 to Murata et al.).

The Examiner notes that the Murata et al. invention requires a specific glass temperature which is not taught nor required in the present invention and that the

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present invention requires a degree of vacuum which is not taught nor required in the Murata et al. invention. Specifically, Murata et al. disclose vacuum ranges of less than 6700 Pa (versus 20 Pa) and while they disclose embodiments at 0.0 kPa, the Examiner notes that 0.0 kPa (with 2 significant figures encompasses values up to 49 Pa or perhaps even 99 Pa, depending on the rounding and accuracy of the measuring instrument). In either case, the Examiner deems that Murata et al. fail to possess the claimed limitation of "20 Pa or lower" in the degree of vacuum while applicants fail to possess the Murata et al. limitation of a glass temperature of 50 – 300 °C.

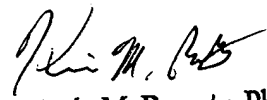
### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Bernatz whose telephone number is (571) 272-1505. The examiner can normally be reached on M-F, 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KMB  
March 29, 2006

  
Kevin M. Bernatz, PhD  
Primary Examiner